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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 PROTEINHOUSE FRANCHISING, LLC, et  
8 al.,

9 Plaintiffs,

10 v.

11 KEN B. GUTMAN, et al.,

12 Defendants.

Case No. 2:17-cv-02816-APG-PAL

**ORDER**

(Mot. for Stay – ECF No. 24)

13 Before the court is Defendant Ken B. Gutman's Motion for Stay (ECF No. 24) and  
14 Plaintiffs Proteinhouse Franchising, LLC, LRAB, LLC, and Andrew F. Bick's Proposed  
15 Discovery Plan and Scheduling Order (ECF No. 29). These matters are referred to the undersigned  
16 pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice.

17 On February 27, 2018, the court held a hearing on Gutman's Motion and the Proposed  
18 Discovery Plan and Scheduling Order. Counsel for the parties were present. The court has  
19 considered the Motion, Plaintiffs' Opposition (ECF No. 27) and the arguments of counsel at the  
20 hearing. Mr. Gutman did not file a reply and the deadline to do so has expired.

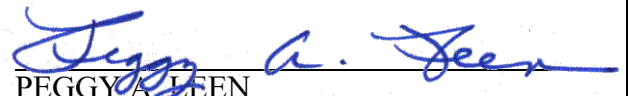
21 Mr. Gutman seeks a stay of discovery until after decision of his pending Motion to Dismiss  
22 (ECF No. 25), which argues this court lacks personal jurisdiction over him. It is clear Mr. Gutman  
23 has discoverable information and would be deposed in this case whether he is a party or a non-  
24 party witness. Having reviewed and considered the matter, the court denies the motion to stay and  
25 will enter a standard 180-day discovery plan and scheduling order. Although the court will not  
26 stay all discovery in this case while Mr. Gutman's motion to dismiss is pending, Gutman will not  
27 be required to retain or disclose experts. Additionally, the court will consider any request to limit  
28 the scope of discovery sought from Mr. Gutman while his motion to dismiss is pending, provided

1 the parties first make a genuine good faith effort to resolve scope of discovery disputes without  
2 the court's intervention.

3 **IT IS ORDERED:**

- 4 1. Defendant Ken B. Gutman's Motion for Stay (ECF No. 24) is **DENIED, without**  
5 **prejudice** to filing a motion for protective order for discovery plaintiffs would not be  
6 entitled to obtain from Mr. Gutman were he a non-party witness rather than a party.  
7 2. The court will separately enter the discovery plan and scheduling order.

8 Dated this 27th day of February, 2018.

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11 PEGGY A. LEEN  
12 UNITED STATES MAGISTRATE JUDGE  
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